

Notice of Allowability

Application No.

10/751,629

Examiner

David Q. Nguyen

Applicant(s)

KWAK ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/15/06.
2. ☒ The allowed claim(s) is/are 1-4 and 25 (renumbered as 1-5 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan C. Carter on 12/08/06.

The applicant has been amended as follows:

Claims 6-8,10,12,20-24 and 26 have been cancelled.

Claims 1 and 4 have been amended as followed:

Claim 1. A method for determining a data rate of a user equipment (UE) for an enhanced uplink dedicated channel (EUDCH) service, the method comprising the steps of:

receiving at a radio network controller (RNC) a radio resource control (RRC) message including total transmission power information of the UE from the UE;

receiving at a Node B the total transmission power information of the UE from the RNC through a Node B Application Part (NBAP) message;

receiving at the Node B uplink channel condition information of the UE from the UE through a physical channel; and

determining at the node B a data rate of the UE based on the uplink channel condition information and the total transmission power information.

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Claim 4. A method for determining a data rate of a user equipment (UE) for an enhanced uplink dedicated channel (EUDCH) service in a mobile communication system, the method comprising the steps of:

receiving at a radio network controller (RNC) a radio resource control (RRC) message including total transmission power information of the UE from the UE;

receiving at a Node B the total transmission power information of the UE from the RNC through a Node B Application Part (NBAP) message;

receiving at the Node B transmission power margin information of the UE from the UE through a physical channel; and

determining at the node B a data rate of the UE based on the transmission power margin information and the total transmission power information.

Allowable Subject Matter

2. Claims 1-4 and 25 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 4 have been amended to overcome the prior arts. The closest prior arts, Hall (US 5991618) and Chen (WO 99/09779) disclose methods for determining data rate of a user equipment. However, the above prior art of record, either singularly or in combination, fail to disclose or render obvious the method for determining a data rate of a user equipment for an enhanced uplink dedicated channel service as specified in the claim, as argued by applicants.

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Claims 2-3 and 25 depend on claim 1. Therefore, they are allowed.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muniere (US 2005/0096063 A1) teaches method for improving quality of service management in a mobile packet radio communication cellular system.

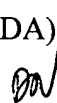
Krishnarajah et al. (US 2002/0191556 a1) teach efficient header handling involving GSM/EDGE radio access networks

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Q Nguyen
Examiner
Art Unit 2617



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER